

Dkt No. 20245800-7039313001
(04-004 US04)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	
)	Group Art Unit: 3736
Brian D. Zelickson, et al.)	
)	Confirmation No.: 7509
Serial No.: 10/633,820)	
)	Examiner: John Lacyk
Filed: August 4, 2003)	
)	
For: DEVICE AND METHOD FOR)	
TREATMENT OF GASTROESOPHAGEAL)	
REFLUX DISEASE)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies are not enclosed since each item was submitted or cited in parent application (Patents Nos. 6,073,052; 6,321,121 and 6,604,004)

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

PA/52182957.1

Dkt No. 20245800-7039313001
(04-004 US04)**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

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PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. 50-2518 for the above fee(s).
- ☒ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. 50-2518.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: July 25, 2005

By: _____



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23639

PATENT TRADEMARK OFFICE

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/633,820
		Filing Date	August 4, 2003
		First Named Inventor	Brian Zelickson, et al
		Group Art Unit	3736
		Examiner Name	John Lacyk
Sheet 1 of 2	Attorney Docket Number	80-7039313001 (04-004 US04)	

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1.	4,311,154		Sterzer et al.	01-1982	
	2.	4,328,529		Doss et al.	04-1982	
	3.	4,381,007		Doss	04-1983	
	4.	4,612,940		Kasevich et al.	09-1986	
	5.	4,646,737		Hussein et al.	03-1987	
	6.	4,709,688		Johnston et al.	12-1987	
	7.	5,007,437		Sterzer	04-1991	
	8.	5,220,927		Astrahan et al.	08-1993	
	9.	5,304,169		Sand	04-1994	
	10.	5,348,551		Spears et al.	09-1994	
	11.	5,364,390		Taboada et al.	11-1994	
	12.	5,374,265		Sand	12-1994	
	13.	5,437,658		Muller et al.	08-1995	
	14.	5,448,990		De Faria-Correa	09-1995	
	15.	5,458,596		Lax et al.	10-1995	
	16.	5,484,432		Sand	01-1996	
	17.	5,496,271		Burton et al.	03-1996	
	18.	5,505,730		Edwards.	04-1996	
	19.	5,509,929		Hascocet et al.	04-1996	
	20.	5,540,879		Fram et al.	07-1996	
	21.	5,558,872		Edwards et al.	09-1996	
	22.	5,569,241		Edwards.	10-1996	
	23.	5,575,788		Baker et al.	11-1996	
	24.	5,620,480		Rudie	04-1997	
	25.	5,658,278		Imran et al.	08-1997	
	26.	5,916,241		Rudie et al.	08-1999	
	27.	5,964,755		Edwards.	10-1999	
	28.	6,006,755		Edwards.	12-1999	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Group Art Unit	3736		
		Examiner Name	John Lacyk		
		Attorney Docket Number	80-7039313001 (04-004 US04)		

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₂
		Office ²	Number ⁴	Kind Code ⁵ (if known)				
	29.	EP	0 422 112 B1			JUL., 1996		

OTHER DOCUMENTS – NON PATENT LITERATURE				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	30.	R.C.M. McGouran, MD and J.M. Galloway, MD "A laser-induced scar at the cardia increases the yield pressure of the lower esophageal sphincter". Gastrointestinal Endoscopy, vol. 36, pp. 439-443, Nov. 5, 1990		
	31.	Hayashi et al., "The Effect of Non-Ablative Laser Energy on Joint Capsular Properties: An In Vitro Mechanical Study using a Rabbit Model," Comparative Orthopaedic Research Laboratory, University of Wisconsin-Madison, Mar. 1994, pp. 1-22.		
	32.	Hayashi et al., "The Effect of Non-Ablative Laser Energy on the Ultrastructure of Joint Capsular Collagen," Comparative Orthopaedic Research Laboratory, University of Wisconsin-Madison, Jan. 1995, pp. 1-22		
	33.	Zhou et al., Thermal Modeling of Laser Photo Thermo Keratoplasty (LPTK), Ophthalmic Technologies II, 1992, SPIE vol. 1844, pp. 61-133.		
	34.	Fitzpatrick et al., "Pulsed Carbon Dioxide Laser Resurfacing of Photoaged Facial Skin," Arch Dermatol, Apr. 1986, vol.132, pp. 395-401.		
	35.	Hruza et al., "Laser Skin Resurfacing," Arch Dermatol, Apr. 1996, vol. 132, pp. 451-455.		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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